

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

CHARLTON DEPRIEST, ET AL.,

Plaintiffs,

vs

**WALNUT GROVE CORRECTIONAL
FACILITY, ET AL.**

Defendants.

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Civil Action No. 3:10-cv-663

**DEFENDANT’S NOTICE OF PARTIAL WITHDRAWAL
OF THE MOTION TO TERMINATE CONSENT DECREE**

Defendant Marshall L. Fisher, in his official capacity as Commissioner of the Mississippi Department of Corrections, files this notice of partial withdrawal of the Defendant’s Motion to Terminate (Doc. 129) only insofar as the motion seeks termination of the medical care provisions in Section G of the Walnut Grove Consent Decree (Doc. 75-3).

BACKGROUND

In March 2015, the Defendant moved to terminate the Consent Decree applicable to the Walnut Grove Correctional Facility (WGCF). *See* Doc. 129 (Motion to Terminate). The Court bifurcated the evidentiary proceedings on the Motion to Terminate, hearing evidence on the “safety and security” provisions of the Consent Decree first. On June 11, 2015, the Court issued its order on the safety and security provisions of the Motion to Terminate, terminating some provisions of the Consent Decree while retaining several other provisions. *See* Doc. 170 (Order) (“[T]he Court finds that a majority of the Consent Decree’s provisions are no longer necessary.”). The Court reserved a ruling on termination of the consent decree’s medical care provisions until after a second evidentiary hearing could be conducted in the summer or fall of 2015.

On July 1, 2015, Centurion of Mississippi, LLC took over as the provider of medical and mental health care services at WGCF.¹ The previous provider of medical services, Health Assurance, LLC, is no longer operating at WGCF.

As a result of the recent change in providers and to permit Centurion a reasonable transition period as the new medical services provider for WGCF, the parties have agreed that (1) the Motion to Terminate the Consent Decree's medical care provisions should be withdrawn without prejudice, and (2) the evidentiary hearing on the Consent Decree's medical care provisions should be cancelled. The parties notified the Court of their agreement by e-mail on July 9, 2015 and advised the Court that this notice was forthcoming.

NOTICE OF WITHDRAWAL

Accordingly, the Defendant hereby partially withdraws the Motion to Terminate the Walnut Grove Consent Decree (Doc. 75-3) only insofar as the motion applies to the medical care provisions set forth in Section G of the Consent Decree. The withdrawal is without prejudice to refile a motion to terminate the medical care provisions at a later date.

The withdrawal does not operate as a waiver of any arguments raised in the Motion to Terminate or in any other legal memoranda filed by the Defendant. The partial withdrawal of the Motion to Terminate also does not waive or otherwise affect the Defendant's rights under the termination provisions of the Prison Litigation Reform Act, 18 U.S.C. § 3626. And the withdrawal does not affect the Defendant's pending appeal of the Court's order on the Defendant's motion to terminate other provisions of the Consent Decree.

Respectfully submitted (July 24, 2015):

¹ Centurion of Mississippi, LLC is a joint venture of MHM Services, Inc. and Centene Corporation, leading providers of correctional healthcare and managed care services. Additional information is available at Centurion's website: www.centurionmanagedcare.com.

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CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will deliver copies to all counsel of record, including but not limited to:

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